

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 11599 of 2005

Between:

1. G. Suryanarayana, rep. By his father, G. Dasaraiah,
S/o. Venkataiah, aged 64 years, Pensioner R/o.
D.No. 20/801, R.K.Nagar Colony, Cuddapah
2. G. Suguna, W/o. G Suryanarayana, rep. By her father-in-law G. Dasaraiah,
S/o. Venkataiah, aged 64 years, Pensioner, R/o. D.No. 20/801,
R.K.Nagar Colony, Cuddapah

..... PETITIONERS

AND

1. The Commissioner, Cuddapah Municipal Corporation, Cuddapah
2. The Superintending Engineer, R & B, Cuddapah
3. The District Collector, Cuddapah, Cuddapah District
4. The Deputy Director, Survey and Land Records, Cuddapah
5. Revenue Divisional Officer, Cuddapah
6. Mandal Revenue Officer, Cuddapah

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus directing the respondents not to demolish the building No.1/323-7, 1/323-8, 1/323-9, 1/323-10, 1/323-5 & 1/323-6, Ashok Nagar Street, Chinna Chowk Gram Panchayat, Cuddapah Mandal, Cuddapah District, except in accordance with law and principles of natural justice and pass

Counsel for the Petitioners: MR.M.S.RAMCHANDRA RAO

Counsel for the Respondents.: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Heard the learned counsel for respective parties.

Petitioners submit that they are the owners and possessors of the residential houses bearing the building Nos.1/323-7, 1/323-8, 1/323-9. 1/323-10, 1/323-5 & 1/323-6, situated at Ashok Nagar Street, Chinna Chowk Gram Panchayat, Cuddapah Mandal & District. They further submit that they have constructed the said buildings after obtaining necessary approval from the Panchayat. While so, the officials of the first respondent visited their premises on 20.5.2005 & 21.5.2005 and informed that portions of the said houses will be demolished for the purpose of widening the roads keeping in view that Kadapa Municipality now has been upgraded as Municipal Corporation.

It is stated that the respondents cannot demolish the buildings or took away the possession of the lands from the petitioners without paying any compensation either by way of private negotiations or by way of acquiring the lands and structures under the provisions of the Land Acquisition Act.

Having regard to the facts and circumstances of the case, the respondents are directed not to demolish or take away any portion of the land of the said houses without following due process of law by paying compensation either by way of private negotiations or by initiating proceedings under the Land Acquisition Act.

The writ petition is accordingly allowed. No costs.

V. ESWARAIAH, J

Dt. 24/5/2005

To

1. The Commissioner, Kadapa Municipal Corporation, Kadapa.
2. The Superintending Engineer, R & B, Kadapa
3. The District Collector, Kadapa, Kadapa District
4. The Deputy Director, Survey and Land Records, Kadapa
5. The Revenue Divisional Officer, Kadapa
6. The Mandal Revenue Officer, Kadapa
7. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT)
8. Two CD copies.

THE HON'BLE MR JUSTICE V.ESWARAIAH

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24th May 2005

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